

Application No.: 10/543,151  
Art Unit: 2881

Amendment under 37 CFR §1.111  
Attorney Docket No.: 052886

### **REMARKS**

Claims 1-15 are pending in the application. By this Amendment, claims 7 and 8 have been cancelled and claims 6, 9-10, 12-14 have been amended. It is submitted that this Amendment is fully responsive to the Office Action dated August 25, 2008.

### **Information Disclosure Statement**

The Examiner did not consider the references listed in the Form PTO/SB/08 submitted July 25, 2005. However, these references were cited in the international search report and the Form PCT/DO/EO/903, as attached herewith, indicates that both the international search report and the copies of the documents are present in the national stage file (MPEP 609.03).

Accordingly, it is respectfully requested that the Examiner consider those documents.

### **Claim Rejections - 35 U.S.C. §102 and §103**

Claims 6-9 and 12-15 are rejected under 35 U.S.C. §102(a) as being anticipated by Stewart et al. (USP 6,979,822).

Claim 6 is rejected under 35 U.S.C. §102(b) as being anticipated by Veneklasen et al. (USP 6,586,733).

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**Claim 12 is rejected under 35 U.S.C. §102(b) as being anticipated by Madonado et al. (USP 6,465,795).**

**Claims 7-10 are rejected under §103(a) as being unpatentable over Veneklasen et al. (USP 6,586,733) in view of Madonado et al. (USP 6,465,795).**

**Claims 13-15 are rejected under §103(a) as being unpatentable over Madonado et al. (USP 6,465,795) in view of Veneklasen et al. (USP 6,586,733).**

These rejections are respectfully traversed.

Claim 6, as amended, now calls for the feature of “a first electron source for generating the primary electron beam; a cover for forming the sample chamber to cover the sample and having at least one gas inlet; a device configured to supply a gas through the at least one gas inlet into the sample chamber so as to uniformly cover the sample surface, charge-up on the sample surface being reduced by contact between the sample surface and the gas; and a second electron source provided separately from the first electron source and capable of irradiating the sample surface with electron.” Independent claim 12 also calls for similar feature. This Amendment is supported by claims 7 and 8.

*Stewart et al.* describes a charged particle beam system using an ion generator for bufetting or spraying a gas for charge neutralization and particularly useful for repair of photolithography masks in a dual beam system. *Madonado et al.* describes a charged particle or electron beam system wherein a gas is introduced over the surface of a substrate and ionized by light from a VUV lamp to neutralize charge. Veneklasen et al. describes a sample inspecting apparatus having two electron beam generators for irradiating different areas of a sample so as to produce secondary electrons.

On the contrary, the present claimed invention includes the feature of neutralizing both positive and negative charge-up on a sample surface by providing a gas supplier and a second electron source. It is submitted that NONE of the above prior art references describe anything about those features.

Accordingly, claims 6 and 12 distinguish over *Stewart et al.*, *Veneklasen et al.* and *Madonado et al.*

Claims 9-10 and 13-15 are dependent from claim 6 or 12 and recite the additional features set forth therein. Accordingly, claims 9-10 and 13-15 also distinguish over *Stewart et al.*, *Veneklasen et al.* and *Madonado et al.* for at least the reasons set forth above.

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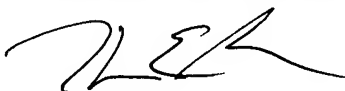
In view of the aforementioned amendments and accompanying remarks, Applicants submit that the claims, as herein amended, are in condition for allowance. Applicants request such action at an early date.

If the Examiner believes that this application is not now in condition for allowance, the Examiner is requested to contact Applicants' undersigned attorney to arrange for an interview to expedite the disposition of this case.

If this paper is not timely filed, Applicants respectfully petition for an appropriate extension of time. The fees for such an extension or any other fees that may be due with respect to this paper may be charged to Deposit Account No. 50-2866.

Respectfully submitted,

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